



Dated: October 30, 2014, 11:12 AM

The following is ORDERED:

A handwritten signature in black ink, appearing to read "Niles Jackson", is written over a horizontal line.

Niles Jackson
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

IN RE:

Debra S. Fitzsimmons,

DEBTORS.

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Case No. 14-11978-NLJ

Chapter 13

AGREED ORDER FOR ADEQUATE PROTECTION

THIS MATTER comes before the Court upon Creditor, Lakeview Loan Servicing, LLC and Debtor's Joint Application for Order of Adequate Protection. Creditor, Debtor, and the Trustee have reached agreement on these matters and would show the Court as follows:

1. Creditor is the holder of a secured claim on the following property:

**LOT THIRTEEN (13), BLOCK NINE (9), NORTHRIDGE THIRD
ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE
COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT
THEREOF, commonly known as 14 E Barnes St, Shawnee, OK 74804**

(the "Property").

2. The Property is secured by a Note and Mortgage, made by Debtor to First Mortgage Home Lending, LLC d/b/a Victory Mortgage, upon which there is a debt of at least \$132,427.90

(per Claim 11-1), with interest thereon at the rate of 5.375% per annum from the 1st day of April, 2013, until paid, plus costs and fees, as provided for in said Note and Mortgage.

3. Creditor is the current holder of the above reference Note and Mortgage.

4. The Debtor filed the instant Chapter 13 case on May 9, 2014.

5. Creditor filed its Proof of Claim herein on August 7, 2014, in Claim 11-1.

6. The Debtor filed an Objection to Claim herein on September 8, 2014, objecting to Creditor's arrearage claim.

7. That a trial loan modification plan between Creditor and Debtor was pending at the commencement of this case. Upon the commencement of this case, Debtor ceased making payments to Creditor under the trial modification plan.

8. That in order for the trial modification review to be completed and for Debtor to be considered for a permanent loan modification, the trial modification must be brought current, and post-petition payments that were part of the pending trial modification to bring the trial modification current are required to be made to Creditor.

9. The parties have reached an agreement that should bring the trial modification plan current through the payment of adequate protection payments to Creditor by the Trustee as follows:

a) the Trustee shall make adequate protection payments on the ongoing post-petition monthly mortgage payments, beginning with the July 1, 2014 payment, in the amount of \$1,100.29 per month, continuing for each ongoing post-petition monthly mortgage payment, until further order of this Court;

b) the Trustee shall make a one-time payment of \$1,100.29 for the first post-petition ongoing monthly mortgage payment due for June 1, 2014;

c) the Trustee shall make a one-time payment of \$261.20 to be applied to a portion of Creditor's pre-petition arrearage claim set forth in Claim 11-1.

IT IS, THEREFORE, ORDERED that the Joint Application for Adequate Protection shall be granted. The Trustee is hereby ordered to pay adequate protection payments to Creditor as follows:

1) The Trustee shall make adequate protection payments on the ongoing post-petition monthly mortgage payments, beginning with the July 1, 2014 payment, in the amount of \$1,100.29 per month, continuing for each ongoing post-petition monthly mortgage payment, until further order of this Court;

2) The Trustee shall make a one-time adequate protection payment of \$1,100.29 for the first post-petition ongoing monthly mortgage payment due for June 1, 2014; and

3. The Trustee shall make a one-time adequate protection payment of \$261.20 to be applied to a portion of Creditor's pre-petition arrearage claim set forth in Claim 11-1.

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APPROVED:

Kivell, Rayment and Francis, P.C.
A Professional Corporation

s/ Julie Hird Thomas

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